

RESOLUTION NO. 04-053

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 42, MAIN 15, SOUTHWEST INTERCEPTOR SEWER, (NORTH OF 21ST, EAST OF RIDGE) 468-83769**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 42, MAIN 15, SOUTHWEST INTERCEPTOR SEWER, (NORTH OF 21ST, EAST OF RIDGE) 468-83769**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 42, Main 15, Southwest Interceptor Sewer, (north of 21st, east of Ridge) 468-83769**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Seventeen Thousand Six Hundred Thirty Dollars (\$17,630)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 19, 2004**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TRACT A:

That part of Lot 5, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas, described as follows: Commencing at the NE corner of said Lot 1, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; Thence N89°39'36"E on the north line of said Lot 5, 196.00 feet to a Point of Beginning; Thence N89°39'36"E on the north line of said Lot 5, 160.00 feet; Thence S00°E parallel with the east line of said Lot 1, 260.00 feet to a point lying 180.00 feet north of the north line of Lot 4 extended, Lake Ridge Commercial 2nd Addition; Thence S89°39'36"W parallel with the north line of said Lot 4, 160.00 feet; Thence N00°E parallel with the east line of said Lot 1, 260.00 feet to the Point of Beginning, **AND**

TRACT B:

Lot 5, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; **EXCEPT** for the following described tract: Beginning at the NE corner of said Lot 1, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; Thence N89°39'36"E on the north line of said Lot 5, 196.00 feet; Thence S00°E parallel with the east line of said Lot 1, 260.00 feet, to a point lying 180.00 feet north of the north line of Lot 4, Lake Ridge

Commercial 2nd Addition; Thence S89°39'36"W parallel with the north line of said Lot 4, 151.00 feet; Thence S00°W parallel with the east line of said Lot 2, Lake Ridge Commercial 2nd Addition, 90.00 feet; Thence 89°39'36"W parallel with the north line of said Lot 4, 45.00 feet to the east line of said Lot 2; Thence N00°E on the east line of said Lot 2, 90.00 feet to the northeast corner of said Lot 2; Thence S89°39'36"W on the north line of said Lot 2, 190.00 feet to the northwest corner of said Lot 2; Thence N00°E on the east line of said Lot 5, 60.00 feet to the south line of said Lot 1; Thence N89°39'36"E on the south line of said Lot 1, 200.00 feet to the Point of Beginning; **AND**

EXCEPT for the following described tract: Commencing at the NE corner of said Lot 1, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; Thence N89°39'36"E on the north line of said Lot 5, 196.00 feet to a Point of Beginning; Thence N89°39'36"E on the north line of said Lot 5, 160.00 feet; Thence S00°E parallel with the east line of said Lot 1, 260.00 feet to a point lying 180.00 feet north of the north line of Lot 4 extended, Lake Ridge Commercial 2nd Addition; Thence S89°39'36"W parallel with the north line of said Lot 4, 160.00 feet; Thence N00°E parallel with the east line of said Lot 1, 260.00 feet to the Point of Beginning; **AND**

EXCEPT for the following described tract: Commencing at the SE corner of said Lot 5, Thence S89°39'36"W on the south line of said Lot 5, 145.00 feet to a Point of Beginning; Thence continuing S89°39'36"W on the south line of said Lot 5, 185.00 feet to the southeast corner of Lot 4, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; Thence N00°00'00"W on the east line of said Lot 4, for a distance of 200.00 feet to the northeast corner of said Lot 4; Thence continuing N00°00'00"W parallel with the east line of said Lot 4, 30.00 feet; Thence east perpendicular to the east line of said Lot 5 to a point lying on a line 145.00 feet west of and parallel to the east line of said Lot 5; Thence S00°00'00"E parallel with the east line of said Lot 5 to the Point of Beginning; **AND EXCEPT** for the following described **tract**:

Commencing at the NE corner of said Lot 5; Thence S00°00'00"E on the east line of said Lot 5, 325.40 feet to a Point of Beginning; Thence continuing S00°00'00"E on the east line 314.60 feet to the SE corner of said Lot 5; Thence S89°39'36"W on the south line of said Lot 5, 145.00 feet; Thence N00°00'00"W parallel with the east line of said Lot 5, 315.46 feet to a point 325.40 feet south of and 145.00 feet west of the NE corner of said Lot 5; Thence N90°00'00"E perpendicular to the east line of said Lot 5, 145.00 feet to the Point of Beginning; **AND**

EXCEPT for the following described tract: Commencing at the NE corner of said Lot 5; Thence S00°00'00"E along the east line of said Lot 5, 167.40 feet for a Point of Beginning; Thence continuing S00°00'00"E along the east line of said Lot 5, 158.00 feet; Thence N90°00'00"W perpendicular to the east line of said Lot 5, 145.00 feet; Thence N00°00'00"E parallel with the east line of said Lot 5, 158.00 feet; Thence N90°00'00"E perpendicular to the east line of said Lot 5, 145.00 feet to the Point of Beginning; **AND**

EXCEPT for the following described tract: Beginning at the SE corner of Lot 2 in said Addition; Thence N00°00'00"E along the east line of Lot 2, 90.00 feet; Thence N89°39'36"E, 45.00 feet; Thence N00°00'00"E 90.00 feet; Thence N89°39'36"E, 200.00 feet; Thence S00°00'00"W, 180.00 feet to the NE corner of Lot 4 in said Addition; Thence S89°39'36"W along the north line of Lots 3 and 4 in said Addition, 245.00 feet to the Point of Beginning.

SECTION 4. That the method of apportioning all costs of said improvements

attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

TRACT A shall pay 50/100 of the cost;

TRACT B shall pay 50/100 of the cost;

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, **February 10, 2004.**

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)